REMARKS/ARGUMENTS

The Final Office Action dated June 6, 2006 rejects all pending claims. In rejecting Claim 1 in this Office Action, the Examiner appears to have done a "cut – and – paste" of at least some remarks from the prior Office Action dated December 12, 2005. Specifically, in both Office Actions, the Examiner cites to US Patent 5,832,10 which appears to be a typographical error ("typo").

Applicant previously identified this typo, in the Amendment dated March 13, 2006, but there has been no correction by the Examiner. So, it appears that the Applicant's remarks in the prior Amendment dated March 13, 2006 were not considered. Note that **five** different arguments were made previously, describing the patentable distinctions over Ito's patent, but the Examiner did not respond to any of them. In particular, Applicant previously stated as follows (see bottom of page 15 and top of page 16 of the Amendment dated March 13, 2006; emphasis added):

> If the Examiner continues to reject Claim 1 for anticipation by Ito, the Examiner is respectfully requested to respond to each of the above-described five arguments individually, to more fully and clearly explain their basis for the anticipation rejection. In this context, the Examiner is reminded of their duty as per MPEP §707.07(f) which states in pertinent part "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." In particular, Applicant hereby requests the Examiner to **explicitly address each of the above-described five problems, individually (one at a time)**.

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However, in the Final Office Action dated June 6, 2006, there is no response to the five arguments. Accordingly, a Request for Continued Examination (RCE) is being filed so that the Examiner can carefully review Applicant's Remark Section in the prior Amendment dated March 13, 2006, and the entire Remarks Section is hereby incorporated by

reference herein in its entirety. The Examiner is hereby requested to respond to each of the five arguments.

The undersigned conducted an Interview with Examiners Ito and Corrielus on or about May 22, 2006 to present the arguments as listed in the form PTOL-413A, but no agreement was reached. In this context, note that the Final Office Action dated June 6, 2006 does not contain a PTOL-413, although such form is traditionally sent by the Examiner. The Examiner is requested to send it with the next Office Action.

Note that Claim 1 is now revised to require a parent process to conditionally copy a first item if the first item is found during checking to be a file and alternatively create a child process. The child process in turn performs the checking, the conditional copying and the alternatively creating, with another item in the directory represented by the first item. Applicant further submits that these limitations in Claim 1 are nowhere disclosed or suggested by Ito. Accordingly, this is a sixth reason, which is in addition to the above-discussed five reasons for the patentability of Claim 1.

For one or more of the above-discussed six different reasons, Applicant once again submits that Claim 1 is patentable over the teachings of Ito. All of the remaining claims are believed to be patentable for one or more reasons similar to the above-discussed six reasons.

New Claims 46 and 47 are added herewith, and their consideration is requested.

In view of the above remarks, Applicant submits that all pending claims are in form for allowance and allowance thereof is respectfully requested. Should there be any questions concerning this paper, please call the undersigned at (408) 982-8203.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number 571-273-8300 on September 6, 2006.

S. Omkar — Sept 6, 2006
Attorney for Applicant(s) — Date of Signature

Respectfully submitted,

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